

Express Mail Mailing Label No.: EV 668159383 US

|  |  |  |
|--|--|--|
| <b>TRANSMITTAL LETTER TO THE UNITED STATES<br/>DESIGNATED/ELECTED OFFICE (DO/EO/US)<br/>CONCERNING A FILING UNDER 35 U.S.C. 371</b>  |  | Atty. Docket No. FIL-001<br><br>U.S. APPLICATION NO. (If known. See 37 CFR 1.55)<br><div style="font-size: 1.5em; font-weight: bold;">10/ 567891</div> |
| INTERNATIONAL APPLICATION NO.<br>PCT/GB2004/003403   | INTERNATIONAL FILING DATE<br>5 August 2004 | PRIORITY DATE CLAIMED<br>11 August 2003  |
| TITLE OF INVENTION<br><b>Opening Devices for Foil Closures</b>   |  |  |
| APPLICANT(S) FOR DO/EO/US<br><b>Henning VON SPRECKELSEN and Peter Michael MCGEOUGH</b>   |  |  |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:  |  |  |
| <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</li> <li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(C)(3))           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input checked="" type="checkbox"/> have been transmitted by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)) (3 pages).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol> |  |  |
| <b>Items 11 To 20 below concern document(s) or information included:</b>   |  |  |
| <ol style="list-style-type: none"> <li>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98 (2 pages); Form PTO-1449 (1 page); and copies of IDS citations B1-B3.</li> <li>12. <input checked="" type="checkbox"/> An assignment document for recording (2 pages). A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included (1 page).</li> <li>13. <input checked="" type="checkbox"/> A preliminary amendment (6 pages)</li> <li>14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76 (3 pages).</li> <li>15. <input checked="" type="checkbox"/> A substitute specification (transmittal (1 page); clean copy (13 pages); and marked-up copy (13 pages)).</li> <li>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</li> <li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825.</li> <li>18. <input checked="" type="checkbox"/> A copy of International Publication No. WO 2005/016779 A1 (26 pages).</li> <li>19. <input type="checkbox"/> A second copy of the English language translated of the international application under 35 U.S.C. 154(d)(4).</li> <li>20. <input checked="" type="checkbox"/> Other items or information:<br/>         Copy of the International Search Report (3 pages); Copy of the International Preliminary Report on Patentability (7 pages); Copy of a Notification Concerning Submission or Transmittal of Priority Document (1 page); Copy of a Notification of the Recording of a Change (Applicant's name) (1 page); Copy of a Notification of the Recording of a Change (Agent's address) (1 page); Certificate of Express Mail Mailing (1 pg.); and a Return Receipt Postcard.       </li> </ol>   |  |  |

IAP5 Rec'd PCT/PTO 08 FEB 2006

10/567891

|   |              |              |            |                                  |    |
|---|--------------|--------------|------------|----------------------------------|----|
| 21. The following fees are submitted:   |              |              |            | <b>CALCULATIONS</b> PTO USE ONLY |    |
| <input checked="" type="checkbox"/> a) Basic national fee..... \$300.00<br><input checked="" type="checkbox"/> b) Examination fee..... \$200.00<br><input checked="" type="checkbox"/> c) Search fee..... \$500.00<br><input type="checkbox"/> d) Size fee (for each additional 50 sheets over 100 sheets) ..... \$250.00 |              |              |            |                                  |    |
| <b>ENTER APPROPRIATE FEE AMOUNT =</b>   |              |              |            | \$ 1000.00                       |    |
| Surcharge of \$130.00 for furnishing the oath or declaration of later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).   |              |              |            | \$                               |    |
| CLAIMS  | NUMBER FILED | NUMBER EXTRA | RATE       |                                  |    |
| Total claims  | 19 - 20 =    | 0            | X \$50.00  | \$ 0.00                          |    |
| Independent claims  | 2 - 3 =      | 0            | X \$200.00 | \$ 0.00                          |    |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable)   |              |              | + \$360.00 | \$                               |    |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>  |              |              |            | \$ 1000.00                       |    |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.   |              |              |            | \$ 500.00                        |    |
| <b>SUBTOTAL =</b>   |              |              |            | \$ 500.00                        |    |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).   |              |              |            | \$                               |    |
| <b>TOTAL NATIONAL FEE =</b>   |              |              |            | \$ 500.00                        |    |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property  |              |              |            | \$ 40.00                         |    |
| <b>TOTAL FEES ENCLOSED =</b>  |              |              |            | \$ 540.00                        |    |
|   |              |              |            | <b>Amount to be:</b>             |    |
|   |              |              |            | <b>refunded</b>                  | \$ |
|   |              |              |            | <b>charged</b>                   | \$ |

a. ☒ A check in the amount of \$540.00 to cover the above fees is enclosed.b. ☐ Please charge my Deposit Account No. 50-1721 in the amount of \$\_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.c. ☒ The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment to Deposit Account No. 50-1721.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Patent Administrator  
 Kirkpatrick & Lockhart Nicholson  
 Graham LLP  
 75 State Tower  
 Boston, MA 02109-1808



SIGNATURE

Jeffrey L. Snow  
 NAME

39,037  
 REGISTRATION NUMBER

February 8, 2006  
 DATE

10/567891

PATENT  
Attorney Docket No. FIL-001  
Express Mail Mailing Label No.: EV 668159383 US

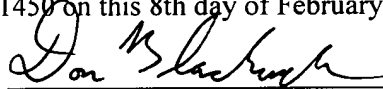
IAP5 Rec'd PCT/PTO 08 FEB 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): von Spreckelsen et al. CONFIRMATION NO.: N/A  
SERIAL NO.: Not yet assigned GROUP NO.: N/A  
FILING DATE: Herewith EXAMINER: Not yet assigned  
TITLE: Opening Devices for Foil Closures

**CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. 1.10**

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as Express Mail Post Office to Addressee, postage prepaid, in an envelope addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 8th day of February, 2006.

  
Don Blackwell

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith is/are:

- Transmittal Letter (2 pgs.);
- Application Data Sheet (3 pgs.);
- Information Disclosure Statement (2 pgs.);
- Form PTO-1449 (1 pg.);
- Copies of Citations (B1-B3);
- Assignment Cover Sheet (1 pg.);
- Assignment (2 pgs.);
- Declaration and Power of Attorney (3 pgs.);
- Preliminary Amendment (6 pgs.);
- Transmittal of Substitute Specification (1 pg.);
- Substitute Specification (Clean Copy) (13 pgs.);
- Substitute Specification (Marked Copy) (13 pgs.);
- Copy of International Publication No. WO 2005/016779 A1 (26 pgs.);
- Copy of International Search Report (3 pgs.);

- Copy of International Preliminary Report on Patentability (7 pgs.);
- Copy of Notification Concerning Submission or Transmittal of Priority Document (1 pg.);
- Copy of Notification of the Recording of a Change (Applicant's name) (1 pg.);
- Copy of a Notification of the Recording of a Change (Agent's address) (1 pg.);
- Certificate of Express Mailing (2 pgs.);
- Check in the amount of \$540.00; and
- Return Receipt Postcard.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S): VON SPRECKEISEN et al.  
SERIAL NO.: Not yet assigned GROUP NO.: Not yet assigned  
FILING DATE: Herewith EXAMINER: Not yet assigned  
TITLE: Opening Devices for Foil Closures

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL OF SUBSTITUTE SPECIFICATION**

Applicants submit a substitute specification, excluding the claims. Applicants submit herewith both a clean copy of the substitute specification and a marked-up copy of the substitute specification, showing all the changes relative to the immediate prior version of the specification.

Applicants have amended the Background of the Invention, Other Background Art and Solution of the Invention sections to track the language of the claims, including as amended in an Article 19 Amendment. Applicants have also amended the Description to change a reference to Figure 4 to a reference to Figures 4 and 6 in the third paragraph. Applicants submit that these amendments introduce no new matter.

Applicants respectfully request entry of this substitute specification in the above-identified patent application. Early favorable action is respectfully requested.

Respectfully submitted,



Jeffrey L. Snow  
Attorney for Applicant(s)  
Kirkpatrick & Lockhart Nicholson  
Graham LLP  
75 State Street  
Boston, Massachusetts 02109-1808

Date: February 8, 2006  
Reg. No. 39,037

Tel. No.: (617) 261-9233  
Fax No.: (617) 261-3175